

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
March 15, 2013

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. R. Schaefer Oglesby, Vice-Chairman
Mr. W. Keith Brower, Jr.
Mr. J. Daniel Crigler
Mr. John H. Epperson
Mr. Joseph A. Kessler, III
Mr. James N. Lowe
Ms. Joanne D. Monday
Ms. Patricia S. O'Bannon

Members Absent

Mr. Matthew Arnold
Mr. James R. Dawson
Mr. John A. Knepper, Jr.
Mr. Eric Mays

Call to Order

The meeting of the State Building Code Technical Review Board (Review Board) was called to order by the Chairman at approximately 10:00 a.m.

Roll Call

The attendance was established by Mr. Vernon W. Hodge, Secretary, and constituted a quorum. Mr. Steven Jack, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

The Secretary informed that Review Board members that staff had inadvertently left a line item off of the agenda for the election of officers; so action needed to be taken to either elect officers or continue the current officers to the next meeting so there would be proper notice of the election. After discussion, Mr. Lowe moved to extend the current officers for the meeting at hand and to hold the election of officers at the next meeting with proper notice. The motion was seconded by Ms. O'Bannon and passed unanimously.

Approval of Minutes

After discussion, Mr. Oglesby moved to approve the minutes of the January 25, 2013 meeting with the correction of Mr. Brower being present and Mr. Crigler not being present and to change the word "Chairman" to "Vice-Chairman" in the first and last paragraph of the appeal proceedings on pages one and two of the minutes. The motion was seconded by Mr. Lowe and passed unanimously with Messrs. Crigler and Epperson abstaining from the vote.

State Building Code Technical Review Board
March 15, 2013 Minutes - Page Two

Public Comment

The Chairman opened the floor for public comment. The Secretary reported that no one was preregistered. The Chairman closed the public comment period.

Final Orders

Appeal of Richard Clayton; Appeal No. 12-5:

After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Brower and passed unanimously with Messrs. Crigler and Epperson abstaining from the vote.

New Business

Appeal of Milari Madison; Appeal No. 12-6:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned determinations by Ms. Cindy Davis, the administrator of the industrialized building program in the State Building Codes Office (SBCO) of the Department of Housing and Community Development, relative to an modular home purchased by Ms. Madison and set up at 40153 Janney Street, in Loudoun County.

The following persons were sworn in and given an opportunity to present testimony:

Milari Madison
Cindy Davis, SBCO
Eric Leatherby, SBCO
Chris Thompson, Loudoun County Building and Development

Also present were:

Mike Melis, Esq., counsel to Ms. Davis
Gina Schaecher, Esq., Rees Broome, counsel to Milton.

During opening statements, Ms. Madison asked for a ruling on whether NTA, Inc., a compliance assurance agency, was a party to the appeal. After hearing from the parties present concerning the issue and discussion among the board members, the Chairman ruled that NTA, Inc. was not a party.

New Business

Appeal of Milari Madison; Appeal No. 12-6 (continued):

No exhibits were submitted at the hearing to supplement the record in the appeal.

Prior to the conclusion of testimony, the parties requested a brief recess to determine if an agreement to resolve the appeal could be forthcoming. After the recess, the parties presented an signed agreement to the Chairman which was read to the board members and stated as follows:

The appeal (Appeal No. 12-6) is withdrawn for the following reasons:

The issue of whether Milton Home Systems, Inc. is the successor in name to Integrity Building Systems, Inc. is moot as resolved pursuant to the attached November 19, 2012 letter; and

The issues raised in the appeal as to potential violations concerning the stairway and electrical panel/data plate remain under investigation and Ms. Madison and Milton retain their rights to appeal any final determination with regard to the application of the IBSR.

Date: March 15, 2013

Milari Madison (signature) Milari Madison Appellant

Gina L. Schaecher (signature), Counsel for Milton Home Systems, Inc.

Gina L. Schaecher Counsel for Milton Home Systems, Inc.

Mike Melis (signature)

Mike F. Melis, Assistant Attorney General

Counsel to the State Building Code Administrative Office

After consideration, Mr. Oglesby moved to accept the withdrawal of the appeal based on the agreement. The motion was seconded by Mr. Kessler and passed unanimously.

State Building Code Technical Review Board
March 15, 2013 Minutes - Page Four

Secretary's Report

Mr. Emory Rodgers, Deputy Director of the Division of Building and Fire Regulation, provided an update to the board members on the ongoing activities of the Department in the development of Virginia's 2013 building and fire regulations. Mr. Rodgers noted that the proposals submitted by the Review Board members had been approved and would be incorporated into the proposed regulations and the Review Board members were to be congratulated for their diligence and needed expertise.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Lowe at approximately 1:00 pm

Approved: May 17, 2013

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board